

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 92, "IowaCare," Iowa Administrative Code.

IowaCare rules are amended to:

- Change the cross reference to Medicaid citizenship requirements to clarify that all requirements for documentation of citizenship apply equally to IowaCare applicants.
- Require use of Form 470-4542, IowaCare Insurance Information Request, to gather health insurance information from an IowaCare member. The member must complete the form to confirm the status of the member's group health insurance.

One of the eligibility requirements for IowaCare is that a person who has access to group health insurance is not eligible. If the Iowa Medicaid Enterprise discovers through data matches with insurance carriers that the IowaCare member has health insurance, additional information is needed to determine if the member remains eligible. An IowaCare member is not considered to have access to group health insurance if certain conditions exist. Form 470-4542 assists the Department in establishing the presence of these conditions.

These amendments do not provide for waivers in specified situations because they merely clarify current policy and practice. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on November 4, 2009, as **ARC 8256B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on January 13, 2010.

These amendments are intended to implement Iowa Code chapter 249J.

These amendments shall become effective on April 1, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 92.2(2) as follows:

**92.2(2) *Citizenship.*** To be eligible for IowaCare benefits, a person must meet the requirements in ~~441—paragraph 75.11(2)“a.”~~ 441—subrule 75.11(2). A person who claims a qualified alien status shall provide documentation of this status.

ITEM 2. Amend subrule 92.2(4), introductory paragraph, as follows:

**92.2(4) *Group health insurance.*** A person who has access to group health insurance is not eligible for IowaCare. The department shall use Form 470-4542, IowaCare Insurance Information Request, to obtain information to confirm the status of an IowaCare member's group health insurance. An applicant or member shall not be considered to have access to group health insurance if any of the following conditions exist:

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/10.